

REMARKS

The final Office Action mailed September 9, 2004 has been reviewed and carefully considered. Claims 18-26 and 28-30 were rejected. Claim 27 was objected to.

In paragraph 4 on page 2 of the Office Action, claims 18, 19, 22-26, 28 and 30 were rejected under 35 U.S.C. 102(b) over White (U.S. Patent No. 3,560,694).

In paragraph 7 on page 3 of the Office Action, claim 29 was rejected under 35 U.S.C. 103(a) over White as applied to claim 18, and further in view of Kasevich.

In paragraph 9 on page 3 of the Office Action, claims 20 and 21 were rejected under 35 U.S.C. 103(a) over White as applied to claim 18, and further in view of Scalese et al.

In paragraph 11 on page 4 of the Office Action, claim 27 was objected to.

Applicants respectfully traverse the §§ 102(b) and 103(a) rejections and claim objection. Applicants respectfully assert that the requirements are not present and a *prima facie* rejection fails under 35 U.S.C. §§ 102(b) and 103(a) because the Office Action fails to cite a reference or references that teach, disclose or suggest all the claim limitations of Applicants' application.

Applicants' application discloses a method of drying printed media using an electromagnetic signal. The method requires at least "receiving printed web media at an input opening of a resonant cavity; drying the printed media using an electric field formed within the resonant cavity and using forced air directed perpendicular to the input opening within the resonant cavity, the forced air egressed from the resonant cavity via an attenuation structure, the attenuation substantially attenuating electric field emissions from the attenuation structure; and passing the printed media through an output opening, wherein the input and output openings substantially attenuate electric field emissions from the input and output openings."

White discloses a microwave applicator for drying web dielectric material, wherein the microwave applicator includes a preferred mode damping structure for suppressing undesired classes of modes of resonance within the cavity 2. More specifically the joint 12 between the mating lip portions 22 of the narrow sidewalls 4 include a lossy mode-damping element 21. Microwaves are attenuated at joint 12 using

the -damping element 21. The lossy mode-damping element 21 may comprise, for example, a sheet of rubber loaded with lossy powders, such as powders of iron, carbon or ferrites. The damping element 21 attenuates current within the cavity 2. Column 2, line 71 to Column 3, line 7.

White further discloses at column 4, lines 25-30 that ducts 8 are provided at the end walls of the resonator for blowing air through to further dry webs of dielectric material. The resonator is a chamber that allows the oscillation of electromagnetic waves. The dimensions of the ducts are chosen to prevent microwave energy from being transferred through ducts 8.

However, excessive leakage may result through the apertures 6 that provide an input and output opening if undesired classes of modes of oscillation occur. To minimize this leakage, White discloses the use of damping element 21 for attenuating the undesired microwave energy. Nevertheless, White does not disclose that the input and output openings attenuate electric field emissions. Rather, White suggests that such leakage may be a problem.

Thus, White fails to disclose, teach or suggest passing the printed media through an output opening, wherein the input and output openings substantially attenuate electric field emissions from the input and output openings as required by claims 1 and 30.

Dependent claims 19-28 are also patentable over the reference because they incorporate all of the limitations of the corresponding independent claim 18. Further, dependent claims 19-28 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 19-28 are patentable over the cited patent.

With respect to the §103(a) rejection of claim 29, Kasevich fails to remedy the deficiency of White because Kasevich also fails to suggest passing the printed media through an output opening, wherein the input and output openings substantially attenuate electric field emissions from the input and output openings. Rather, Kasevich merely describes a device for selectively heating agricultural products including a storage medium readable by a computer for executing the drying method.

Thus, White and Kasevich, alone or in combination, fail to disclose, teach or suggest passing the printed media through an output opening, wherein the input and output openings substantially attenuate electric field emissions from the input and output openings as required by claims 29.

Furthermore, Applicant submits that the § 103(a) rejection is improper because the Office Action has not provided motivation for modifying White. Rather, broad conclusory statements are made for using the teachings of White in a program storage medium readable by a computer without providing evidence of motivation of why one skilled in the art would have been motivated to modify White to arrive at the presently claimed invention. Applicants have reviewed White and cannot find teaching or suggestion for modifying the reference to achieve the claimed limitations. A rejection of a claim under §103 is inappropriate unless the functional descriptive material would have been suggested by the prior art. *See* MPEP § 2106. In the present instance, the Office Action has neither indicated reasons why one skilled in the art would be motivated to modify White, nor provided any evidence of factual teachings, suggestions or incentives from the prior art that lead to the modification. Therefore, Appellant submits that the Section 103(a) rejection is improper and should be removed.

Scalese too fails to remedy the deficiencies of White and Kasevich. Scalese teaches a microwave moisture analyzer apparatus having a grill 66 (Fig. 2) for allowing airflow out of the apparatus and a tuning stub 222 (Fig. 19) for attenuating energy modes. Air is permitted to flow out of grill 66 and tuning stub 222 for attenuating energy modes does not allow air to flow out of the apparatus. Therefore, Scalese fails to disclose, teach or suggest passing the printed media through an output opening, wherein the input and output openings substantially attenuate electric field emissions from the input and output openings.

Without complete correspondence to the claimed invention, the Section 102 rejections cannot stand and Applicants request that the rejections be withdrawn. Therefore, Applicants respectfully submit that claims 18, 19, 22-26, 28 and 30 patentable over White. Because the combination of White with Kasevich or White with Scalese

Appl. No. 10/642,993
BLD920020001US1A/IBMN.029USD1
Amdt. Dated November 9, 2004
Reply to Office Action of September 9, 2004

fails to teach, disclose or suggest all the elements of at least the first claim, the Section 103(a) rejections are improper and should be withdrawn.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicants, David W. Lynch, at 651-686-6633 Ext. 116.

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Reg. No.: 36,204